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EXAMINER

COHEN, AMY R

ART UNIT PAPER NUMBER

2859

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,035

Applicant(s)

LEVINE, STEVEN R.

Examiner

Amy R Cohen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/03, 7/12/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the kit and container must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 37, 44, 46, 59 are objected to because of the following informalities:

Claim 37, line 1 "the attachment structure" lacks antecedent basis in the claims.

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Claim 44 is dependent on claim 42; however, it appears that it should be dependent on claim 43. For purposes of prosecution, Examiner interprets claim 44 to be dependent on claim 43.

Claim 59, line 9 "light generating device" lacks antecedent basis in the claim.

Claim 46 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 46 fails to further limit the method of aligning objects on a surface since it does not involve a method step.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-8, 13, 14, 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Green (U. S. Patent No. 5,531,031).

Regarding claims 1, 3-8: Green teaches a base (12) for a light generating device or a leveling device (Fig. 1), comprising; a first surface that comprises a connection structure (Fig. 7 and 8, surface where notch 42 is located, where housing 44 is located, where housing 28 is

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located, wherein level 26 is located) to receive and mount either a light generating device (38) or a leveling device (26, 30) thereto; and a second surface (16) comprising a nonmechanical attachment structure (18).

Green teaches the base comprising an outer portion (40) that includes a bottom surface (Figs. 1, 3, 7, 8), and an inner portion (44) movably mounted to the outer portion (Figs. 7 and 8).

Green teaches the base comprising a retainer and a fastener for joining the outer and inner portions (50, 54, Col 4, lines 14-53).

Green teaches the base wherein the outer portion comprises a curved inner surface, and the inner portion comprises a curved outer surface that receives the connection structure (Figs. 7 and 8, Col 4, lines 14-53).

Green teaches the base wherein the curved outer surface is swivelably mounted to the curved inner surface (Figs. 7 and 8, Col 4, lines 14-53).

Green teaches the base wherein the connection structure is selected from the group consisting of a magnet, a magnetically attractive material, a hook fastener, a loop fastener, a tab (42), a slot, a flat surface, and a latch (42, surface where housing 44 is located, Figs. 7 and 8).

Green teaches the base wherein the connection structure comprises a recess (where tab 42 connects, Figs. 7, 8).

Regarding claims 13, 14, 20-22: Green teaches a light generating device (10) with a base (12), comprising: a base (12) comprising: a first surface that comprises a connection structure (at 44, at 42, Figs. 7 and 8); and a second surface (16) comprising a nonmechanical attachment structure (18); and a light generating device (38) mounted to the first surface via the connection structure (Figs. 7 and 8).

Green teaches the device wherein the light generating device generates a laser beam (36).

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Green teaches the device wherein the connection structure is selected from the group consisting of a magnet, a magnetically attractive material, a hook fastener, a loop fastener, a tab (42), a slot, a flat surface, and a latch (42, surface where housing 44 is located, Figs. 7 and 8), and wherein the light generating device comprises a structure (44) mating with the connection structure (Col 4, lines 14-53).

Green teaches the device wherein the light generating device comprises a latch (42) that engages the connection structure (Figs. 7 and 8).

Green teaches the device wherein the connection structure comprises a latch (42).

5. Claims 24, 26-29, 31, 37, 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwandt (U. S. Patent No. 5,063,679).

Regarding claims 24, 26-29: Schwandt teaches a leveling device (10) with a base (28), comprising: a base comprising: a first surface (30a) that comprises a connection structure (34); and a second surface (32b) comprising a nonmechanical attachment structure (54, 56, 57, 59, 61, 63); and a leveling device (14) mounted to the first surface via the connection structure (Figs. 1-3).

Schwandt teaches the device wherein the nonmechanical attachment structure is an adhesive (63).

Schwandt teaches the device wherein the connection structure is selected from the group consisting of a magnet, a magnetically attractive material, a hook fastener, a loop fastener, a tab, a slot (36) and a latch.

Schwandt teaches the device wherein the leveling device comprises a latch that engages the connection structure (42, 44, 46, 48 Fig. 3).

Schwandt teaches the device wherein the connection structure comprises a recess (36, 44).

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Regarding claims 31, 37, 39: Schwandt teaches a movable base (28) for a light generating device or a leveling device (10), comprising: a first portion (30) that comprises a connection structure (34) to removably receive and mount either a light generating device or a leveling device thereto; and a second portion (32) movably mounted to the first portion (Fig. 3).

Schwandt teaches the base wherein an attachment structure comprises an adhesive (63).

Schwandt teaches the base wherein the adhesive protrudes from the second portion (Fig. 11).

6. Claims 13-17, 48-52, 55, 57, 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Goodrich et al. (U. S. Patent No. 6,502,319).

Regarding claims 13-17: Goodrich et al. teaches a light generating device (22) with a base, comprising a base (Fig. 9, base is under bottom of housing 24, under the battery 39) comprising: a first surface (Fig. 9) that comprises a connection structure (Fig. 9, connection structure is the bottom of the housing 24 and the top of the base); and a second surface (Fig. 10) comprising a nonmechanical attachment structure (45); and a light generating device (14) mounted to the first surface via the connection structure (Fig. 9).

Goodrich et al. teaches the device wherein the light generating device generates a laser beam (26).

Goodrich et al. teaches the device wherein the light generating device generates the laser beam with an asymmetric intensity (26, Figs. 8-11).

Goodrich et al. teaches the device wherein the light generating device generates light in the shape of a fan (26, Figs. 8-11).

Goodrich et al. teaches the device wherein the light generating device comprises a housing (24) with at least one flat surface extending along a first planar surface and the fan (26)

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substantially lies within a second plane that intersects the first planar surface at an angle (Figs. 8-11).

Regarding claims 48-52, 55, 57, 58: Goodrich et al. teaches a kit for a light generating device with a base comprising: a container (22) defining a volume of space; a base (bottom, attached to 24, seen in Figs. 8 and 9) positioned within the volume of space (Figs. 8 and 9), the base comprising: a first surface that comprises a connection structure; and a second surface comprising a nonmechanical attachment structure (Figs. 8-9); and a light generating device (15) positioned within the volume of space so as to be unattached to the base, wherein the connection structure can be used to mount the light generating device to the first surface (Figs. 8 and 9).

Goodrich et al. teaches the kit wherein the light generating device generates a laser beam (16).

Goodrich et al. teaches the kit wherein the light generating device generates a laser beam with asymmetric intensity (Figs. 8-11).

Goodrich et al. teaches the kit wherein the light generating device generates light in the shape of a fan (Figs. 8-11).

Goodrich et al. teaches the kit wherein the light generating device comprises a housing (24) with at least one flat surface (Fig. 8) extending along a first planar surface and the fan substantially lies within a second plane that intersects the first planar surface at an angle (Figs. 8-11).

Goodrich et al. teaches the kit wherein the connection structure is selected from the group consisting of a hook fastener, a loop fastener, a tab, a slot, a flat surface (Figs. 8 and 9) and a latch.

Goodrich et al. teaches the kit wherein the connection structure comprises a magnet (45).

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Goodrich et al. teaches the kit wherein the connection structure comprises a material (45) that is magnetically attracted to the light generating device.

7. Claims 13, 18, 23-25, 30-36, 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Von Wedemayer (U. S. Patent No. 5,575,073).

Regarding claims 13 and 18: Von Wedemayer teaches a light generating device (Figs. 1-3) with a base, comprising: a base (1) comprising: a first surface (8) that comprises a connection structure; and a second surface comprising a nonmechanical attachment structure (3, end of screws 3 are attached to the upper surface of 2); and a light generating device (20) mounted to the first surface via the connection structure (Figs. 1 and 3).

Von Wedemayer teaches the device wherein the light generating device comprises a retractable pin (9, 26) and an actuator for the pin (Figs. 1 and 3, the user is the actuator for pin 9 and the spring is the actuator for pin 26).

Regarding claims 13 and 23: Von Wedemayer teaches a light generating device with a base, comprising: a base (1) comprising: a first surface that comprises a connection structure (12); and a second surface comprising a nonmechanical attachment structure (3, end of screws 3 are attached to the upper surface of 2); and a light generating device (20) mounted to the first surface via the connection structure.

Von Wedemayer teaches the device wherein the connection structure comprises a magnet (12) or a material that is magnetically attractive to a magnet.

Regarding claims 24, 25, and 30: Von Wedemayer teaches a leveling device with a base, comprising: a base (1) comprising: a first surface that comprises a connection structure (9, 12, 26); and a second surface comprising a nonmechanical attachment structure (3, end of screws 3 are attached to the upper surface of 2); and a leveling device (20) mounted to the first surface via the connection structure.

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Von Wedemayer teaches the device wherein the light generating device comprises a retractable pin (9, 26) and an actuator for the pin (Figs. 1 and 3, the user is the actuator for pin 9 and the spring is the actuator for pin 26).

Von Wedemayer teaches the device wherein the connection structure comprises a magnet (12) or a material that is magnetically attractive to a magnet.

Regarding claims 31-36, 41: Von Wedemayer teaches a movable base (10) for a light generating device or a leveling device, comprising: a first portion (1) that comprises a connection structure (9, 12, 26) to removably receive and mount either a light generating device (20) or a leveling device (20) thereto; and a second portion (2) movably mounted to the first portion.

Von Wedemayer teaches the base wherein the second portion is swivably mounted to the first portion (Figs. 1-3, Col 3, lines 1-10).

Von Wedemayer teaches the base wherein the connection structure comprises a recess (Figs. 1 and 3).

Von Wedemayer teaches the base wherein the connection structure comprises a material (12) that is magnetically attracted to the light generating device or leveling device being mounted to the first portion (Figs. 1 and 3).

Von Wedemayer teaches the base wherein the connection structure comprises a curved inner surface and the second portion comprises a curved outer surface that receives the connection structure (Figs. 1-3).

Von Wedemayer teaches the base comprising a retainer (5) and a fastener (4) for joining the first and second portions.

Von Wedemayer teaches the base wherein the connection structure is selected from the group consisting of a magnet (12), a magnetically attractive material, a hook fastener, a loop fastener, a tab, a slot, a flat surface (Figs. 1 and 3), a recess (Figs. 1 and 3), and a latch.

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8. Claims 59, 60, 62-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Plumb et al. (U. S. Patent No. 6,133,996).

Plumb et al. teaches a kit for leveling a device with a base, comprising a container (72) defining a volume of space; a base (10) positioned within the volume of space, the base comprising: a first surface that comprises a connection structure (Fig. 1, connection structure at 50); and a second surface (34) comprising a nonmechanical attachment structure (slot, Fig. 3); and a leveling device positioned within the volume of space so as to be unattached to the base (Fig. 7), wherein the connection structure can be used to mount the light generating device to the first surface (Fig. 1).

Plumb et al. teaches the kit wherein the leveling device comprises a retractable pin (70) and an actuator for the pin (the user is the actuator, Fig. 4).

Plumb et al. teaches the kit wherein the connection structure is selected from the group consisting of a magnet, a magnetically attractive material, a hook fastener, a loop fastener, a tab, a slot, a flat surface (Fig. 1), and a latch (Fig. 6).

Plumb et al. teaches the kit wherein the leveling device comprises a latch that engages the connection structure (Fig. 6).

Plumb et al. teaches the kit wherein the leveling device comprises an automatic leveler selected from the group consisting of a pendulum (Figs. 2 and 3), a cantilevered tilt mechanism, an electric leveler, and a shaft held between journals.

9. Claims 45, 46, 59, and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. (U. S. Patent No. 4,663,856).

Regarding claims 45 and 46: Hall et al. teaches a method of aligning objects on a surface, the method comprising: inserting a leveling device (22, 28) into a movable base (12), the movable base comprising an outer portion (16) that comprises a connection structure to receive

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and mount the leveling device (Figs. 2, 3, 8-10) thereto and an inner portion (13) that comprises an attachment structure (surface touching 52), the inner portion movably mounted to the outer portion (Figs. 5 and 6, 17 resting on 13 is movable); attaching the leveling device and movable base to a surface with an adhesive (14, Col 3, lines 48-65); orienting the leveling device in at least one plane using at least one bubble level and a movable feature on the leveling device (Col 3, lines 26-47); and aligning at least one object (52) on the surface (Col 4, lines 9-25).

Hall et al. teaches the method wherein the adhesive is a removable pressure sensitive adhesive (Col 3, lines 48-65).

Regarding claims 59 and 61: Hall et al. teaches a kit (10) for leveling a device with a base, comprising a container (11) defining a volume of space; a base positioned within the volume of space, the base (13) comprising: a first surface that comprises a connection structure (at 17, Figs. 5 and 6); and a second surface (opposite side of 13, touching 52) comprising a nonmechanical attachment structure (14); and a leveling device (22, 28) positioned within the volume of space so as to be unattached to the base, wherein the connection structure can be used to mount the light generating device to the first surface (Figs. 5 and 6; in this case, there is no “light generating device” positively claimed, therefore, the Examiner interprets the claim language “light generating device” to be the leveling device as positively claimed in the claim language).

Hall et al. teaches the kit wherein the nonmechanical attachment structure is an adhesive (Col 3, lines 48-65).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 9, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green in view of Schwandt.

Green discloses the base as described above in paragraph 4.

Green does not disclose the base wherein the attachment structure comprises an adhesive for attaching the device to the external surface; wherein the adhesive protrudes from the bottom surface.

Schwandt discloses a level (10) wherein the mounting means comprises either an external magnet (54) or an external adhesive (63); wherein the adhesive protrudes from the bottom surface (Fig. 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of aligning of Green, to have the mounting means be of adhesive, as taught by Schwandt, since Schwandt teaches that mounting means can comprise magnets or adhesives, as equivalent means of mounting, to mount the device on a surface (Schwandt, Col 5, lines 21-39).

12. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green and Schwandt as applied to claims 1-9, 13, 14, 19-22 and further in view of Kreckel et al. (U. S. Patent No. 5,516,581).

Green and Schwandt disclose the line generating device as described above in paragraph 11.

Green and Schwandt do not disclose the line generating device wherein the adhesive comprises a liner; wherein the adhesive is a removable pressure sensitive adhesive comprising an

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inner portion attached to the support structure and an outer portion releasably attached to the inner portion; comprising a second adhesive.

Kreckel et al. discloses an adhesive to hold objects on surfaces wherein the adhesive comprises a liner; wherein the adhesive is a removable pressure sensitive adhesive comprising an inner portion attached to the support structure and an outer portion releasably attached to the inner portion and comprising a second adhesive (Col 2, lines 2-9 and lines 30-54, Col 6, lines 24-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the line generating device of Green and Schwandt so that the adhesive has a liner and so that it comprises an inner and outer portion, as taught by Kreckel et al., so that the device can be strongly held to a surface but also removed without damage to the surface (Kreckel et al., Col 2, lines 2-9 and lines 30-54).

13. Claims 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwandt in view of Kreckel et al.

Schwandt discloses the base as described above in paragraph 5.

Schwandt does not disclose the base wherein the adhesive is specifically a removable pressure sensitive adhesive and wherein the adhesive comprises a liner.

Kreckel et al. discloses an adhesive to hold objects on surfaces wherein the adhesive comprises a liner; wherein the adhesive is a removable pressure sensitive adhesive comprising an inner portion attached to the support structure and an outer portion releasably attached to the inner portion and comprising a second adhesive (Col 2, lines 2-9 and lines 30-54, Col 6, lines 24-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the base of Schwandt so that the adhesive has a liner and so that it

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comprises an inner and outer portion, as taught by Kreckel et al., so that the device can be strongly held to a surface but also removed without damage to the surface (Kreckel et al., Col 2, lines 2-9 and lines 30-54).

14. Claims 54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodrich et al. in view of Schwandt.

Regarding claim 54: Goodrich et al. discloses the kit as described above in paragraph 6.

Goodrich et al. does not disclose the kit wherein the nonmechanical structure is an adhesive.

Schwandt discloses a kit wherein the nonmechanical structure is an adhesive (63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the nonmechanical structure of Goodrich et al. to be of an adhesive, as taught by Schwandt, since Schwandt teaches many types of attachments and since adhesive is a strong attachment nonmechanical structure for connecting parts (Schwandt Fig. 11 and Col 5, lines 20-39).

Regarding claim 56: Goodrich et al. discloses the kit as described above in paragraph 6.

Goodrich et al. does not disclose the kit wherein the light generating device comprises a latch that engages the connection structure.

Schwandt discloses a kit wherein the leveling device comprises a latch that engages the connection structure (Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the kit of Goodrich et al. to include a latch, as taught by Schwandt, so that the light generating device would be securely held with the connection structure and so that it could be easily removed and replaced if broken.

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15. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodrich et al. in view of Von Wedemayer.

Goodrich et al. discloses the kit as described above in paragraph 6.

Goodrich et al. does not disclose the kit wherein the light generating device comprises a retractable pin and an actuator for the pin.

Von Wedemayer discloses a kit wherein the light generating device comprises a retractable pin (9, 26) and an actuator for the pin (Figs. 1 and 3, the user is the actuator for pin 9 and the spring is the actuator for pin 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the kit of Goodrich et al. to have a retractable pin and actuator, as taught by Von Wedemayer, so that the light generating device could pivot while remaining secured to the base (Von Wedemayer, Col 3, lines 15-28).

16. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al.

Hall et al. discloses the method of aligning objects on a surface as described above in paragraph 9 and comprising removing the leveling device and the base from the surface (Col 3, lines 48-665).

Hall et al. does not specifically disclose the method comprising discarding the adhesive.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hall et al. to specifically include discarding the adhesive, so that a user could discard adhesive if/when the adhesive or hook and loop fasteners become worn out and need to be replaced, as would happen with repeated use of the device.

17. Claims 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. in view of Genho (U. S. Patent No. 3,897,637).

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Hall et al. discloses a method of aligning objects on a surface, the method comprising: inserting a leveling device (22, 28) into a movable base (12), the movable base comprising an outer portion (16) that comprises a connection structure to receive and mount the leveling device (Figs. 2, 3, 8-10) thereto and an inner portion (13) that comprises an attachment structure (surface touching 52), the inner portion movably mounted to the outer portion (Figs. 5 and 6, 17 resting on 13 is movable); attaching the leveling device and movable base to a surface with an adhesive (14, Col 3, lines 48-65); orienting the leveling device in at least one plane using at least one bubble level and a movable feature on the leveling device (Col 3, lines 26-47); and aligning at least one object (52) on the surface (Col 4, lines 9-25).

Hall et al. discloses the method wherein the adhesive is a removable pressure sensitive adhesive (Col 3, lines 48-65).

Hall et al. discloses the method of aligning objects on a surface as described above in paragraph 9 and comprising removing the leveling device and the base from the surface (Col 3, lines 48-665).

Hall et al. does not specifically disclose the method comprising discarding the adhesive and wherein the leveling device comprises a light generating device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hall et al. to specifically include discarding the adhesive, so that a user could discard adhesive if/when the adhesive or hook and loop fasteners become worn out and need to be replaced, as would happen with repeated use of the device.

Genho discloses a method of aligning objects on a surface wherein the leveling device comprises a light generating device (Figs. 1-7 and Col 1, lines 56-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of aligning objects on a surface of Hall et al. to include a light

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generating device, as taught by Genho, so that a user would be able to align objects on a surface at a distance from the device using the light generated by the light generating device (Genho, Col 1, lines 20-30).


Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC
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